

EXHIBIT I

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Platinum And Palladium Commodities
Litigation

Master File No. 10 Civ. 3617-WHP

ECF Case

This Document Relates to:

Platinum/Palladium Physical Action

*F.W. DeVito Inc. Retirement Plan Trust et al. v.
Moore Capital Management, L.P. et al.*, 10 Civ.
4630 (filed June 14, 2010) (WHP)

**DECLARATION OF LOREN KIEVE IN SUPPORT OF PLAINTIFFS' AND CLASS
COUNSEL'S MOTION FOR AN AWARD OF ATTORNEYS' FEES
AND REIMBURSEMENT OF EXPENSES**

LOREN KIEVE declares as follows pursuant to 17 U.S.C. 1746:

1. I am the principal of Kieve Law Offices, one of the attorneys for Plaintiffs in the above-captioned matter.

2. I submit this declaration in support of Plaintiffs' and Class Counsel's Motion For An Award of Attorneys' Fees and Reimbursement of Expenses.

3. Attached is a statement setting forth my firm's legal services rendered in this case for which reimbursement is requested.

4. My standard hourly rate is \$750 for cases of this kind. When I practiced with the Debevoise & Plimpton and Quinn Emanuel law firms my rate was \$950.

11. My resume is also attached.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 6th day of October, 2014.


LOREN KIEVE

Kieve | Law Offices
5A Funston Avenue
The Presidio of San Francisco
San Francisco, California 94129-1110
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September 19, 2013

Matter No. Platinum/Palladium Litigation		
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FOR PROFESSIONAL SERVICES RENDERED and costs incurred for the period August 1 to September 30, 2010 in connection with the above matter as shown on the attached printout:	Invoice No.:	100318
FEES:		\$14,550
COSTS:		<u>\$0</u>
TOTAL CURRENT BILLING:		\$14,550.00
PREVIOUS BALANCE:		\$0
LESS PAYMENTS RECEIVED:		(\$0)
LESS CREDITS:		\$0.00
ADD REFUNDS:		<u>\$0.00</u>
CURRENT BALANCE DUE:		<u>\$14,550.00</u>

Platinum/Palladium Litigation

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FEES:

August 3, 2010

Research and draft portion of the first amended complaint alleging Civil RICO claims.

6.3 hours

August 9, 2010

Further research and revisions to draft portion of the first amended complaint alleging Civil RICO claims.

3.6 hours

September 9, 2010

Research and preparation of portions of plaintiffs' opposition to defendants' motion to stay discovery dealing with the issues of "good cause" and the plaintiffs' Civil RICO claims.

3.8 hours

September 10, 2010

Further research and preparation of portions of plaintiffs' opposition to defendants' motion to stay discovery dealing with the issues of "good cause" and the plaintiffs' Civil RICO claims.

4.6 hours

September 13, 2010

Revisions to portion of plaintiffs' opposition to defendants' motion to stay discovery dealing with the issue of the plaintiffs' Civil RICO claims.

1.1 hours

TOTAL FEES:	19.40	\$14,550
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Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Amount</u>
Loren Kieve	19.40	\$14,550

COSTS:

TOTAL COSTS:

\$0

TOTAL THIS BILLING:

\$14,550

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LOREN KIEVE

Loren Kieve has a demonstrated record of success in resolving challenging, high stakes disputes. He has represented and advised major U.S. and foreign companies and individuals in a broad variety of trials, appeals and settlements, including securities, insurance coverage, construction, environmental, derivative, financial services, commodities trading, antitrust, contract, RICO, insurance sales practices, products liability, defamation, personal injury, employment, discrimination, real estate, mine disaster, Foreign Corrupt Practices Act and other commercial cases. His cases regularly involve complex foreign parties and issues, major government contract matters, including civil and criminal false claims act cases, and formal and informal administrative proceedings and other inquiries.

He has represented both plaintiffs and defendants in nationwide class actions, and arbitrated both international and domestic cases.

He has been selected for inclusion in The Best Lawyers in America in the field of commercial litigation. He is a Fellow of the Litigation Counsel of America. For the eleventh year in a row, *San Francisco Magazine* and *Law & Politics Magazine* have named him as one of the top “Super Lawyers” in the Bay Area. He has been given the highest peer-review “AV® Preeminent” rating in both legal ability and ethical standards by Martindale Hubbell for over 25 years. He is also rated a “10” (the highest available rating) by Avvo. When he practiced in Washington, *The Washingtonian* magazine listed him among the city's leading lawyers.

EDUCATION

Oxford University
(M.A., 1975)

University of New Mexico School of Law
(J.D., 1972)

Editor, *New Mexico Law Review*

Editor, *Natural Resources Journal*

Teaching Assistant in Constitutional Law

National Moot Court Competition (best brief and best oral argument)

Oxford University
(B.A., Jurisprudence, *with honours*, 1971)

Stanford University
(1965-68)

PRIOR ASSOCIATIONS

Partner, Quinn Emanuel Urquhart Oliver & Hedges LLC, 2002 - 2008
Principal Vice President, Assistant General Counsel, Manager of Legal Department and Head of the Department's Litigation and Claims Group, Bechtel Group, Inc., Feb. 2000 - March 2002
Partner, Debevoise & Plimpton, 1987 - 2000
Associate, Partner, Steptoe & Johnson, 1974 - 1987
Law clerk to Hon. Oliver Seth, United States Court of Appeals for the Tenth Circuit, 1973 - 74
Law clerk to Hon. Edmund L. Palmieri, United States District Judge (S.D.N.Y.), sitting by designation on the United States District Court for the District of New Mexico and on the United States Court of Appeals for the Ninth Circuit, 1973, 1974 (simultaneously with the clerkship for Judge Seth)

BAR ADMISSIONS

California
The District of Columbia
New York
Virginia
New Mexico
U.S. Supreme Court
Nine federal circuit courts
Ten federal district courts

PROFESSIONAL ACTIVITIES

American Bar Foundation:

- Sustaining Life Fellow (by invitation)

American Bar Association:

- Member, Coordinating Committee on Civil Justice Reform, 1990-93
- Founding Member, Standing Committee on Gun Violence, 1993-94
- Member, Standing Committee on Federal Judicial Improvements, 2008-2011
- Member, Segment Value Membership Initiative, 2008
- California State Bar Delegate to the House of Delegates, 2009-2015
- Liaison to the Standing Committee on Governmental Affairs, 2009-2010
- Member, Task Force on Federal Pleading Standards, 2010-12
- Member, Commission on Immigration, 2011-14
- Member, House of Delegates "Delegate Involvement Committee," 2011-12
- Member, House of Delegates "Select Committee," 2012-14

ABA Litigation Section (selected positions):

- Vice-chair, Environmental Law Committee, 1988-89
- Co-chair, Federal Procedure Committee, 1989-92
- Member, Special Review Committee on the Federal Civil Rules, 1990-92
- D.C. Circuit Member, Task Force on District Court Advisory Groups under the Civil Justice Reform Act of 1990, 1991

- Co-chair, Task Force on the Justice System, 1994-95
- Chair, Federal Initiatives Task Force, 1995-96
- Nominating Committee, 1996-97, 1998-99, 2005-2006
- Council Member, 1996-99
- Member, Civil Practice Standards Task Force (1996-98); Discovery Practice Standards Task Force (1997-99); Federal Practice Task Force (1998-02)
- Liaison, Federal Judicial Conference, 1996-99
- Liaison, Civil Rules Advisory Committee of the Federal Judicial Conference, 2000-01
- Life Fellow, 2004
- Federal Practice Task Force, 2002-2011 (co-chair, 2002-2009)
- Co-chair, Working Group on U.S.-Canada Cross-Border Class Action Protocols, 2008-2011.
- Representative to the Civil Rules Advisory Committee on restyling the Fed. R. Civ. P., 2002-2005
- Co-chair, Special Committee on the Future of Civil Litigation, 2009-2010
- Co-chair, Task Force on Attorney-Client Privilege, 2010-2013
- Co-chair, Task Force on Gun Violence.

California State Bar:

- California State Bar Delegate to the House of Delegates, 2009-2015
- Member, Board of Trustees, District Four (San Francisco and Marin Counties), 2010-2013
- Member, Governance in the Public Interest Task Force, 2010-2011
- Member, Task Force on Admissions Regulation Reform, 2012-2013

Other Professional Associations:

Member, District of Columbia Federal Court Advisory Committee under the Civil Justice Reform Act of 1990 (Chair, Trial Practice Subcommittee), 1992-94

Member, District of Columbia Circuit Judicial Conference, 1998

Honorary Member, COMBAR, the Commercial Bar Association, London, U.K., 1999-present

Founding Member, American Constitution Society (Northern California Chapter), 2004-present

Member, Transition Team, California Attorney General Kamala Harris, 2010-11

Member, Diversity Law Institute, 2012-present

Member, The Trial Law Institute, 2012-present

OTHER AFFILIATIONS AND AWARDS

- Trustee and Chair (1997-2001, 2007-2011, 2011-2014), Institute of American Indian and Alaska Native Culture and Arts Development (“IAIA”), Santa Fe, New Mexico, 1994-present (U.S. Presidential Appointment with Senate Confirmation). The IAIA is one of three congressionally chartered institutions of higher learning (along with Howard and Gallaudet Universities) and oversees four- and two-year degree programs for Native Americans and Alaska Natives as well as the Museum of Contemporary Native American Art. During Mr. Kieve’s first tenure as Chair, the IAIA built and moved onto its new campus. During his second tenure as Chair, the IAIA constructed four new major campus construction projects and greatly expanded its curriculum. In his third (current) position as chair, the IAIA is celebrating its 50th Anniversary and has a major new fundraising campaign.

- Member, National Advisory Board (and Chair, Development Subcommittee), Center for Comparative Studies in Race and Ethnicity (“CCSRE”), Stanford University, 2001-present. CCSRE is the umbrella organization for Stanford’s African and African-American, Chicano/a, Native-American and Asian-American Studies Programs, as well as its interdisciplinary undergraduate major in and graduate research center for Comparative Studies in Race and Ethnicity.
- Stanford University “Multicultural Alumni Hall of Fame” Inductee, 2012.
- “Living the Dream” award, Lawyers’ Committee for Civil Rights of the Bay Area, 2011.
- Member, Stanford Associates (by invitation, limited to 1,500 alumni/ae who have made significant contributions to the University), 2006-present. Co-chair, 40th Reunion.
- Member and audit and nominating committee member, National Board of Directors, Lawyers’ Committee for Civil Rights Under Law, 2007-present.
- Member, director (2004-present) and co-chair (2005-2007), Lawyers’ Committee for Civil Rights of the Bay Area, San Francisco, California, 2003-present.
- “Award of Excellence,” ABA Section of Litigation, 2006.
- Sustaining contributor and participant, Center for International Security and Cooperation (“CISAC”), Freeman Spogli Institute for International Studies, Stanford University, 2004-present.
- Director, executive committee member and co-manager, Flint Industries, Inc., and The Flintco Companies, Inc. (Native-owned U.S., Canadian and South American oilfield services and construction companies), Tulsa, Oklahoma, 1985-2012.
- Who’s Who in America, Who’s Who in American Law, Who’s Who in the East.
- Cherokee Nation of Oklahoma (registered member).

PUBLICATIONS

Mr. Kieve has written hundreds of legal briefs on a broad range of issues at all levels, including before the U.S. Supreme Court. He has been a primary author or major contributor to a large number of ABA and Litigation Section standards, position papers and analyses, including:

- *ABA Civil Trial Practice Standards* (1998)
- *ABA Guidelines for Litigation Conduct* (1998)
- *ABA Discovery Practice Standards* (1999) (primary editor)
- *ABA Litigation Section Comments on the Final Report of the Commission on Structural Alternatives for the Federal Courts of Appeal* (1999)
- *Ethical Issues: 40 Solutions for Litigators* (ABA Section of Litigation) (2005) (contributing author)

- *ABA Policy on Expert Witness Reports* (2006) (adopted on Dec. 1, 2010 as amendments to Federal Rule of Civil Procedure 26)
- *ABA Policy on Inadvertent Disclosure of Privileged Material* (2006) (now codified as part of Federal Rule of Evidence 502)
- *ABA Standards for Final Pretrial Submissions and Orders* (2008) (primary editor)
- *Litigators on Experts* (ABA Section of Litigation) (2010) (contributing author)
- *Rantings of a Partner, and Pushback from the Associate* (ABA Section of Litigation) (2011) (contributing author)
- *ABA Protocol on Court-to-Court Communications in Canada-U.S. Cross-Border Class Actions* (co-chair) (2011)
- *ABA Notice Protocol: Coordinating Notice(s) to the Classes in Multijurisdictional Class Proceedings* (co-chair) (2011)

SEMINAR/TEACHING

Mr. Kieve has been a faculty member, lecturer or participant, on average at least two times a year, at American Bar Association annual meetings, ABA Litigation Section annual meetings, Inns of Court annual meetings, etc. The following is a sample:

- U.S. Environmental Protection Agency / National Institute for Trial Advocacy, Boulder, Colorado, 1982, 1983, 1984. Trial practice faculty member.
- University of Rochester Graduate School of Business 1985. Lecturer on product liability issues.
- ABA Annual Meeting 1998: Panelist: “Cutting the Litigation Process Short: Is There New Life for Summary Judgment?” (federal judges Schwarzer and Tjoflat were also panelists).
- ABA Litigation Section Annual Meeting 1989. Program moderator: “What to Do When the Grand Jury Calls: Criminal Enforcement of Environmental Laws” (other members included former Deputy Attorney General Jamie Gorelick and Assistant Attorney General Environmental, Carol Dinkins).
- ABA Litigation Section Annual Meeting 1990. Panel member: “The Federal Courts Study Committee's Recommendations – An Overview.”
- Workshop for Judges of the Fifth Circuit 1990. Panel member: “Civil Case Management” (other members included federal judges Feldman and Parker).
- ABA Annual Meeting 1990. Panel member: “Fast Track Litigation: Can Judges, Practitioners and Legislators Agree on Realistic Reform?”
- Fifth Circuit Judicial Conference 1991. Panel member: “Moving Cases on Crowded Dockets: How Judges and Lawyers Can Work Together” (federal judges Head and Feldman were also on the panel).

- American Arbitration Association, Annual Meeting 1992. Featured luncheon speaker (“Discovery in Arbitration”).
- American Inns of Court, Annual Meeting 1992. Program moderator: “Discovery, Competitiveness and the Threat of Malpractice.”
- ABA Litigation Section Program, London 1995. Program chair: “New Directions in U.S. Federal Civil Litigation.”
- ABA Annual Meeting 1996. Mock closing argument: “A National Closing Argument Shoot-Out” (with Steve Susman, Tony Axam and Jim Coleman).
- ABA Annual Meeting 2003. A Master Class in Arbitration. Program chair and moderator.
- Union Internationale des Avocats, Paris 2007. Protection of Architectural Intellectual Property.
- COMBAR, Berlin 2008. Liabilities of Ancillary Parties (Accountants, Banks, Lawyers, etc.) for Securities and Financial Misstatement Violations.
- ABA Litigation Section Annual Institute on E-Discovery, Chicago 2009. Will the Cost of E-Discovery End Litigation as We Know It Today?
- COMBAR, Chicago 2009. Legal Issues Arising out of the Global Financial Crisis.
- Corporate E-Discovery Forum, Chicago 2009. “E-Discovery Is Broken; How Do We Fix It?”
- LegalTech, New York 2010. “Whatever Happened to Rule 11: The Good, the Bad and the Ugly?” International judges panel comparing different legal systems and e-discovery approaches.
- Judicial Conference of the United States, 2010 Civil Litigation Conference, Duke Law School 2010. Panel member.
- COMBAR, Lisbon 2010. Ancillary and provisional remedies in support of proceedings in other jurisdictions.
- ABA Annual Meeting 2010, San Francisco. “Litigation in the Internet Age.” Program moderator (with Hon. Mark Kravitz, Steve Susman and Lorna Schofield).
- PLI-Navigant Webinar 2010. “The New Federal Rules for Expert Discovery Go Into Effect December 1, 2010 - Are You Ready?” Program participant.
- Association of American Law Schools, Annual Meeting 2011, San Francisco. “Impact of Electronic Revolution on Litigation.” Program participant.
- ABA Section of Litigation / National Institute for Trial Advocacy, Critical Trial Skills for Legal Services Attorneys, Albuquerque, New Mexico 2011. Trial practice faculty member.

- ABA Section of Litigation, Annual Conference 2012, Washington, D.C., “Federal Rule of Evidence 502, How to Save Your Client Lots of Money.” Program moderator (with Hon. Lee Rosenthal, Chair of the Judicial Conference Committee on Rules of Practice and Procedure, Professor Daniel Capra and Chilton Varner, editor of Moore’s Federal Practice).
- ABA Section of Litigation, Annual Conference 2013, Chicago, Illinois, “What Change Has Wrought? Evaluating the Impact of Changes to the Federal Expert Disclosure Rules.” Program Participant.